

EI-18686

STATE OF ALASKA

SEAN PARNELL, Governor

**DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

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Ms. Anne Quinlan, Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, DC 20423-0001

October 22, 2009

Dear Ms. Quinlan:

Re: STB Finance Docket No. 34658, Alaska Railroad Corporation Northern Rail Extension; Final Environmental Impact Statement Alternatives and Request for Remedy

The State of Alaska has reviewed the Final Environmental Impact Statement (FEIS) for the Alaska Railroad Corporation's Northern Rail Extension (NRE) project, prepared by the Surface Transportation Board's (Board's) Section of Environmental Analysis (SEA). By this letter, we are respectfully requesting a remedy based on our assessment that the SEA's recommended alternatives and mitigation measures are too limited to meet foreseeable reasonable and least environmentally damaging project alternatives.

The State of Alaska has been a party to the NRE project beginning fall 2003, when it worked with an Alaska Railroad Corporation (ARRC) contractor to develop conceptual locations and methods for a rail crossing of the Tanana River between Fairbanks and Delta Junction. Formal involvement in the SEA process as cooperating agency has included oral scoping comments to SEA on June 29, 2005, written scoping comments submitted on January 13, 2006, and written comments on the Draft EIS submitted on February 17, 2009.

Despite ongoing communication efforts with the SEA, the State disagrees with a number of important data, analysis, and interpretation components of the FEIS, particularly concerning the range of alternatives recommended for approval by the Board. Throughout the process, the state has consistently advocated for use of alignment alternatives on the bench south of the floodplains of the Tanana River and adjoining clearwater stream systems as an important way to avoid and minimize project effects on public resources including anadromous and resident fish populations. Although SEA recommends multiple alignments in the FEIS for most segments of the NRE, two segments (Central and South) would have only floodplain options.

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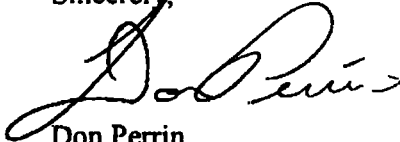
The FEIS is a planning-level document currently without a mechanism to allow refinement of alignments as permit-level resource information and project designs are developed over the coming years. Without flexibility to allow alignment refinements, the applicant and the permitting agencies are unreasonably restricted in efforts to develop a final route that avoids or minimizes project effects on high functional value habitats and adequately balances known public resource values with economic benefits.

To allow for this flexibility, we respectfully request the Board approve the recommendations from the SEA as presented in the FEIS with two modifications:

1. Chapter 1, Section 1.3.3, page 1-10: Add Connector A and Central Alternative Segment 1 to the range of connector and central alternative segments acceptable from an environmental standpoint.
2. Add a that portion of the S1b alignment (mp 29-39) that parallels the South Common segment while avoiding important spring-fed spawning and rearing habitat in the Richardson Clearwater River system. This would not require a change of the proposed Delta Creek crossing or interfere with access to Whitestone Farm District, and would avoid the kettles.

Thank you for considering the State of Alaska's request for remedy. If you have questions regarding this request or the state's involvement as a cooperating agency for the EIS, please contact me at (907) 269-7476 or by email at donald.perrin@alaska.gov

Sincerely,



Don Perrin

Project Management and Permit Coordinator
Alaska Department of Natural Resources

ecc: Brian Lindamood, ARRC, Anchorage